THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.23372 of 2005

Between:

B.Nagabhusana Rao.

.. **PETITIONER**

AND

The State Transport Authority.

.. **RESPONDENT**

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ORDER:

The petitioner holds an existing inter-state permit of a stage carriage between the Parlakhimundi and Berahampur. While the starting and ending points are in the State of Orrisa, most of the portion is in the State of Andhra Pradesh. The petitioner claims to have made an application on 21-10-2003 before the respondent herein seeking variation of the route within the portion in the State of Andhra Pradesh. His grievance is that though more than two years have lapsed, the respondent has not taken any steps.

The learned counsel for the petitioner submits that an application filed under Sub-Section (3) of Section 80 of the Motor Vehicles Act cannot be kept pending for such a long time and on account of the same, the petitioner is put to serious hardship.

The learned Government Pleader for Transport, on the other hand, submits that on account of pressure of work and pending of large number of applications, the respondent did not take up the application of the petitioner and that it would be taken up in the due course.

The feasibility for grant of variation prayed for by the petitioner needs to be examined by the respondent. The respondent comprises of several officials and non-officials and its business is transacted only at the occasional meetings. It is represented that the last meeting was held in March, 2005.

Inasmuch as the applications relating to the entire State need to be dealt with by the respondent, it cannot be said that there was deliberate or undue delay in disposal of the application of the petitioner. However, the application cannot be kept pending indefinitely. Ultimately, the question, as to whether the variation can be granted in favour of the petitioner, has to be decided by the respondent.

Therefore, the writ petition is disposed of, directing the respondent herein, to ensure that the application of the petitioner is examined and considered, within a period of three months from the date of receipt of a copy of this order.

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L.NARASIMHA REDDY, J

Dated: 31-10-2005

Prv